

## **NOTICE AND AGENDA**

### **SUNNYVALE CITY COUNCIL TUESDAY, NOVEMBER 24, 2009 COUNCIL CHAMBERS and WEST CONFERENCE ROOM CITY HALL - 456 W. OLIVE AVE. SUNNYVALE, CALIFORNIA**

#### **5 P.M. SPECIAL COUNCIL MEETING**

##### City Council Study Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Study Session
  - a. Board and Commission applicant interviews
4. Public Comment
5. Adjourn Special Meeting

#### **6:15 P.M. SPECIAL COUNCIL MEETING (Closed Session)**

##### City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Public Comment on Closed Session items only.
4. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
  - a. Conference With Legal Counsel – Existing Litigation  
Pursuant to Government Code 54956.9(a)  
Sunnyvale West Neighborhood Association, et al. vs. City of Sunnyvale City Council, Santa Clara County Superior Court Case No.108-CV-127528
5. Adjourn Special Meeting

#### **7 P.M. COUNCIL MEETING**

*Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.*

*Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and in the Council Chamber on the evening of the Council Meeting, pursuant to Government Code §54957.5.*

**CALL TO ORDER** - Call to order in the Council Chambers.

**SALUTE TO THE FLAG**

**ROLL CALL**

**CLOSED SESSION REPORT FOR NOVEMBER 24, 2009**

*Closed Session pursuant to Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation*

**SPECIAL ORDER OF THE DAY** - "End Polio Day" Proclamation - Presentation to Rotary Club of Sunnyvale

**PUBLIC ANNOUNCEMENTS**

*Each speaker is limited to three minutes for announcements of community events, programs, or recognition.*

**CONSENT CALENDAR**

- 1.A. MOTION Approval of Council Meeting Minutes of November 17, 2009
- 1.B. MOTION Approval of Information/Action Items – Council Directions to Staff

**Fiscal Items**

- 1.C. MOTION List of Claims and Bills Approved for Payment by the City Manager – List No. RTC 09-288 480

Staff Recommendation: Review the attached lists of bills.

Staff Contact: Pete Gonda, (408) 730-7418

**Contracts**

- 1.D. MOTION Award of Contract for Technical Assistance for National Pollutant Discharge Elimination System (NPDES) Permit Implementation and Water Pollution Control Plant Operations Support (F0908-12)  
RTC 09-293

Staff Recommendation: Award a five (5) year contract in an amount not-to-exceed \$2,370,000, to Eisenberg, Olivieri and Associates (EOA) for technical assistance for NPDES permit implementation and WPCP operations support.

Staff Contact: Pete Gonda, (408) 730-7418

**Contracts: SunnyvaleWorks!**

- 1.E. MOTION Award of Sunnyvale Works! Contract for Pond Sediment Removal and Biosolids Handling and Disposal (F0907-02)  
RTC 09-291

Staff Recommendation: Award a five (5) year contract in an amount not to exceed \$10,000,000, to Synagro West, LLC, for pond sediment removal and biosolids handling and disposal at the Water Pollution Control Plant.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.F. MOTION Award of Sunnyvale Works! Contract for the Design of a Continuous Golf  
RTC 09-292 Cart Path (F0911-45)

Staff Recommendation: Award a one-year contract to Knott & Linn Golf Design Group LLC in an amount not-to-exceed \$107,198 to design a continuous golf cart path for the Sunnyvale Golf Course.

Staff Contact: Pete Gonda, (408) 730-7418

### **Other Items**

- 1.G. ORDINANCE Adoption of Ordinance No. 2910-09 Amending Sections 19.12.130 ("L") and  
No. 2910-09 19.12.170 ("P") of Chapter 19.12 (Definitions) and Table 19.20.030  
(permitted, Conditionally Permitted and Prohibited Uses in Commercial  
Zoning Districts) of Chapter 19.20 (Commercial Zoning Districts) of Title 19  
(Zoning) of the Sunnyvale Municipal Code Pertaining to Alcohol and  
Advertising Signs

Staff Recommendation: Council approve the second reading of Ordinance No. 2910-09

Staff Contact: David Kahn, City Attorney (408) 730-7464

### **STAFF RESPONSES TO PRIOR PUBLIC COMMENTS**

*Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments.*

### **PUBLIC COMMENTS**

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

### **PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. ORDINANCE Sunnyvale Municipal Code Chapters 18.10 and 19.74 Relating to Park  
RTC 09-294 Dedication: Consider Raising the Park Facility Standard from 1.25 Acres  
per 1,000 Population to 3.0 Acres per 1,000 Population

Staff Recommendation:

- Alternative No. 1: Council adopt the attached amendments to City Municipal Code Title 18 (Subdivisions) Chapter 18.10, Parks and Open Space Dedication, raising the facility standard from the existing standard of 1.25 acres per 1,000 to 3.0 acres per 1,000 over three years.
- Alternative No. 2: Council adopt the attached amendments to City Municipal Code Title 19 (Zoning) Chapter 19.74, Park Dedication Fees for Rental Housing Projects, raising the facility standard from the existing standard of 1.25 acres per 1,000 additional

residents to 3.0 acres per 1,000 over three years.  
Staff Contact: Jenny Shain, (408) 730-7576

3. RESOLUTION Amendment of General Plan Open Space and Recreation Sub-Element  
RTC 09-287 to Incorporate New Policies Identified During Parks of the Future Study –  
Resolution and General Plan Amendment

Staff Recommendation: Alternative No. 1: Approve the resolution enacting a General Plan Amendment to add five policies identified through the Parks of the Future Study to the Open Space and Recreation Sub-Element of the General Plan.  
Staff Contact: Jenny Shain, (408) 730-7576

## **COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

### **NON-AGENDA ITEMS & COMMENTS**

- Council
- Staff

### **INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Heritage Preservation Commission Meeting of November 4, 2009
- RTC 09-295 Opportunity for Council to appeal decisions of the Planning Commission of November 9, 2009

### **ADJOURNMENT**

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#### **Notice to the Public:**

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

## **GUIDELINES FOR ADDRESSING THE CITY COUNCIL**

### **Public Announcement – Beginning of Council Meeting**

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis (only announce one time).

### **Public Hearing – Order of Hearing as Follows:**

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

### **Public Comments**

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by the Council. Individuals are limited to one appearance during this section.

### **Planning a presentation for a City Council/Planning Commission meeting?**

To assist you in utilizing the technology available in the Council Chamber, the publication "*How to Make Your Council Chamber Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chamber prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

### **Planning to present materials to Council?**

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

### **SCHEDULED COUNCIL MEETINGS**

<b>DATE</b>	<b>MEETING</b>	<b>TIME</b>		<b>PLACE</b>
Dec. 1, 2009	Council Meeting	7	PM	Council Chambers
Dec. 8, 2009	Council Meeting	7	PM	Council Chambers
Dec. 15, 2009	Council Meeting	7	PM	Council Chambers
Jan. 5, 2009	Council Meeting	7	PM	Council Chambers
Jan. 12, 2009	Council Meeting	7	PM	Council Chambers

### **OTHER SCHEDULED MEETINGS**

Nov. 23, 2009	Planning Commission Study Session	7	PM	West Conference Rm
Nov. 23, 2009	Planning Commission Public Hearing	8	PM	Council Chambers
Nov. 25, 2009	Administrative Hearing	2	PM	West Conference Rm
Dec. 7, 2009	Board of Library Trustees	7	PM	Library Program Rm A
Dec. 9, 2009	Parks and Recreation Commission	7	PM	Council Chambers
Dec. 14, 2009	Planning Commission Study Session	7	PM	West Conference Rm
Dec. 14, 2009	Planning Commission Public Hearing	8	PM	West Conference Rm
Dec.16, 2009	Administrative Hearing	2	PM	West Conference Rm
Dec.16, 2009	Housing and Human Services Comm.	7	PM	West Conference Rm
Dec.16, 2009	Arts Commission	7	PM	Council Chambers
Dec. 17, 2009	Bicycle and Pedestrian Advisory Comm.	6:30	PM	West Conference Rm
Dec. 21, 2009	Personnel Board	5	PM	Council Chambers
Jan. 11, 2010	Planning Commission Study Session	7:00	p.m.	West Conference Rm
Jan. 11, 2010	Planning Commission Public Hearing	8:00	p.m.	Council Chamber
Jan. 13, 2010	Administrative Hearing	2:00	p.m.	West Conference Rm
Jan. 13, 2010	Heritage Preservation Commission	7:00	p.m.	West Conference Rm
Jan. 13, 2010	Parks and Recreation Commission	7	PM	Council Chambers
Jan. 20, 2010	Arts Commission	7	PM	Council Chambers
Feb. 10, 2010	Parks and Recreation Commission	7	PM	Council Chambers
Feb. 17, 2010	Arts Commission	7	PM	Council Chambers
Mar. 10, 2010	Parks and Recreation Commission	7	p.m.	Council Chambers
Mar. 17, 2010	Arts Commission	7	p.m.	Council Chambers

### **CHANNEL 15 – KSUN**

For a complete schedule of KSUN-15 broadcasts, visit [KSUN.inSunnyvale.com](http://KSUN.inSunnyvale.com)

Nov. 22, 2009	City Council Meeting – Replay of Nov. 17, 2009	4	PM
Nov. 24, 2009	City Council Meeting – Live	7	PM
Nov. 25, 2009	City Council Meeting – Replay of Nov. 24, 2009	7	PM
Nov. 29, 2009	City Council Meeting – Replay of Nov. 24, 2009	4	PM
Dec. 1, 2009	City Council Meeting – Live	7	PM
Dec. 2, 2009	City Council Meeting – Replay of Dec. 1, 2009	7	PM
Dec. 6, 2009	City Council Meeting – Replay of Dec. 1, 2009	4	PM
Dec. 8, 2009	City Council Meeting – Live	7	PM
Dec. 9, 2009	City Council Meeting – Replay of Dec. 8, 2009	7	PM
Dec. 13, 2009	City Council Meeting – Replay of Dec. 8, 2009	4	PM
Dec. 15, 2009	City Council Meeting – Live	7	PM
Dec. 16, 2009	City Council Meeting – Replay of Dec. 15, 2009	7	PM
Dec. 20, 2009	City Council Meeting – Replay of Dec. 15, 2009	4	PM